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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,949	09/25/2003	Kai-Chieh Liang	SLA1325	2056
7590 Gerald W. Maliszewski P.O. Box 270829 San Diego, CA 92198-2829				
EXAMINER				
LU'ONG, ALAN H				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
09/22/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/670,949

**Applicant(s)**

LIANG, KAI-CHIEH

**Examiner**

ALAN LUONG

**Art Unit**

2623

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  
NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2623

/ALAN LUONG/  
Examiner, Art Unit 2623

Continuation sheet of 11:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir.1986).

Applicant notes that Herpel does not disclose a method of using lid URIs to provide a binding name and access scheme to objects in the OC (Remark page 15 lines 8-10) and that the Waki reference has no relevance to the claimed invention (Remark page 16 lines 12-13).

Examiner respectfully disagree in response. APA is relied upon to disclose the usage of MPEG-4 within MPEG-2 transport streams. Herpel teaches retrieving MPEG-4 resources from the MPEG-2 Transport Stream. As noted in applicant's appendix A, the usage of lid URIs is known in broadcast schemes. Waki teaches the usage of lid URIs to access information within an MPEG-2 DSM-CC object carousel. The examiner has concluded that the references demonstrate that it is known in the art to retrieve and access MPEG-4 from MPEG-2 DSM-CC and that the technique for linking or accessing information in general within MPEG-2 DSM-CC object carousels using "lid URIs" is known. Therefore, one having ordinary skill in the art would have used known MPEG-2 linking techniques to access other types of information including MPEG-4 objects in a similar manner.

Specifically, APA and Herpel fail to teach "using lid URIs provide a binding name and access scheme to the objects in the OC" as discussed in the claim 1 rejection. Waki was relied upon specifically to teach an Object Carousel transport protocol (Waki, ¶[0006]-¶[0010]; and Fig. 31 of Waki shows Object Locations as "using lid URIs" [identifier IOR] (¶[0017]-¶[0019]) "to provide a binding name and access scheme to the objects in the OC" (Figs. 4, 5, 21, 22, 28, ¶[0132], ¶[0136]-¶[0141]). It is well-known in the art that MPEG-4 doesn't define a specific transport mechanism. It is expected that an MPEG-2 transport stream, ATM or RTP are appropriate choices. The claim relies on MPEG-2 as transport mechanism for MPEG-4. Waki also references uses the MPEG-2 DSM-CC protocol (¶[0006]-¶[0010]) and is therefore relevant to claimed invention.

Applicant notes that Yokomizo does not disclose embedding MPEG-4 resources in an MPEG-2 stream using an OC transport protocol, or using lid URIs to provide a binding name and access scheme to the objects in the OC. (Remark page 18 lines 17-20)

Examiner respectfully disagrees. It is well-known in the art that MPEG-4 uses a syntax structure as BIFS to describe and dynamically change a scene. Composition information forms the scene description, which is embedded and transmitted together with the media objects. BIFS command can edit Object from a scene. Yokomizo explicitly teaches that "the button object, a shape, a broadcast station ID, a program ID, a sponsor ID, a business type ID, a moving image content URL, a charged/free flag, text and the like can be transmitted as well as an object descriptor ID" (¶[0033]). This is considered to meet the limitation of "embedding MPEG-4 resources in an MPEG-2 stream using an OC transport protocol".

Yokomizo also teaches that "The set top box (ISTB) 4, having a BIFS decoding function is used for describing a size, a design, a position, a name, text, URL and the like of the button 14 (¶[0046]), easily decodes a shape object. Based on the decoded shape information, the ISTB 4 displays a button 14 in the main screen. The button 14 is selected by using a remote controller 13, and the function of the button can be performed by one click. The button 14 is linked to a URL of particular page by excellent content providers 5 to 8 selected in advance (we should understand the URL includes lid directory, the URL address is stored in Data Base [106] of Fig. 8A, see ¶[0115]) on the broadcast station side. When the button is depressed, the URL is designated, then connection by HTTP protocol is started, and sync layer is set for MPEG-4 stream transmission. MDIF (Delivery Multimedia Integration Framework) for audio-video synchronization is not indispensable, however, preferably, it is provided for stable stream reproduction with compatibility" (¶[0034]). Therefore, the reference is believed to "use [the] lid URIs to provide a binding name and access scheme to the objects in the OC" as claimed.

A.L.

Date Sept 11, 2008